Alberta
ENVIRONMENT

# ENFORCEMENT OF THE

# *ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT*

And

# *WATER ACT*

1 Apr 2005 - 30 Jun 2005

July 2005
Regional Services
Alberta Environment

Alberta
ENVIRONMENT

# *Enforcement Actions*

*1 Apr 2005 - 30 Jun 2005*

## Administrative Penalties

| *Company/Individual* | *Municipality / LLD* | *Decision Date/ Penalty* | *Act/ Regulation* | *Comments / Disposition* |
|---|---|---|---|---|
| Gower, Tracy operating as Gower & Co. Vegetation Management | MD of Wainwright<br>23-43-2-W4<br>14-43-2-W4<br>22-43-2-W4 | 04-Apr-05<br>Assessed: $4,551.38 | AEPEA(R)<br>43/97<br>7(1) | Mr. Gower operates a vegetation management/pesticide application business under the registered trade name of Gower & Co. Vegetation Management. He failed to hold a Pesticide Service Registration when providing a service for hire or reward, involving the use and application of a pesticide, Roundup Transorb, 2,4-D Amine 500, being the provision of the pesticide application service to a customer. Paid 2 May 2005. |
| Envirofor Preservers (Alta) Ltd. | Strathcona County<br>SE-6-53-23-W4 | 27-Apr-05<br>Assessed: $5,500.00 | AEPEA(R)<br>227(e) | The Company operates a wood treatment and fixation plant pursuant to an Approval. It contravened its Approval by failing to use only Chromated Copper Arsenate ("CCA") for wood treatment, being the use of Alkaline Copper Quaternary ("ACQ") for wood treatment and failing to immediately report by telephone a contravention of the terms and conditions of the Approval. Paid 5 May 2005. |
| Tiger Calcium Services Inc. | Edmonton<br>Plan 5883MC, Block 2, Lot 1A | 11-May-05<br>Assessed: $3,500.00 | AEPEA(R)<br>227(e) | The Company operates the Edmonton Fertilizer manufacturing plant pursuant to an Approval. It contravened its Approval by failing to keep proper records of all sampling conducted or analyses performed and operating the process equipment when the pollution abatement equipment associated with the process equipment, the scrubber, was not fully operational. Paid 15 June 2005. |
| Keyera Energy Ltd. | Clearwater County<br>35-37-9-W5 | 16-May-05<br>Assessed: $3,500.00 | AEPEA(R)<br>227(e) | The Company owns and operates the Strachan sour gas plant pursuant to an Approval. It contravened its Approval by failing to monitor the release of untreated contaminated groundwater from the groundwater extraction system as required in Table 4.2-D throughout the release period, being the failure to take and analyze a grab sample of the Constructed Wetland influent of untreated contaminated groundwater; and failing to monitor the release of treated contaminated groundwater from the constructed wetland biotreatment system as required in Table 4.2-D, throughout the release period, being the failure to take and analyze a grab sample of the Constructed Wetland effluent of the treated contaminated groundwater. Paid 14 June 2005. |

106-00643/

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# Enforcement Actions

1 Apr 2005 - 30 Jun 2005

| Company/Individual | Municipality / LLD | Decision Date/ Penalty | Act/ Regulation | Comments / Disposition |
|---|---|---|---|---|
| **Administrative Penalties** | | | | |
| Mesken Contracting Limited | Wheatland County<br>NW-33-21-25-W4 | 15-Jun-05<br>Assessed: $5,000.00 | WA<br>142(1)(o)<br>142(1)(e) | The Company conducted work on an upgrade project under which they were issued a licence for the temporary diversion of water for commercial purposes. The Company failed to ensure that a copy of the Licence authorizing the diversion of water was kept in the vehicle transporting the water and failed to submit the monitoring data to the Director within 30 days of the completion of the water diversion. Notice of Appeal received by fax at the Environmental Appeal Board 23 June 2005. |

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# *Enforcement Actions*

*1 Apr 2005 - 30 Jun 2005*

| *Company/Individual* | *Municipality / LLD* | *Decision Date/ Penalty* | *Act/ Regulation* | *Comments / Disposition* |
|---|---|---|---|---|
| **Amended Environmental Protection Orders** | | | | |
| Acheson-East Oil & Gas Co Ltd. | Parkland County<br>SW-7-51-25-W4 | 01-Jun-05 | AEPEA(R)<br>113<br>140 | Amending EPO-2005/10-CR by deleting the reference to Neil Scott and replacing it with Jim Steele. |
| Tartan Energy Inc. | Sturgeon County<br>16-57-25-W4<br>21-57-25-W4 | 03-Jun-05 | AEPEA(R)<br>243 | Amending EPO-2005/04-NR: Clause 1 is amended by deleting "April 14, 2005" and replacing it with "June 13, 2005". Clause 4 is amended by deleting "May 2, 2005" and replacing it with "September 14, 2005". Clause 7 is amended by deleting "June 6, 2005" and replacing it with "September 14, 2005". |

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|---|---|---|---|---|

## Emergency Environmental Protection Orders

No Activity

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# Enforcement Actions

1 Apr 2005 - 30 Jun 2005

| Company/Individual | Municipality / LLD | Decision Date/ Penalty | Act/ Regulation | Comments / Disposition |
|---|---|---|---|---|
| **Enforcement Orders** | | | | |
| Crystal Landing Corp. | Grande Prairie<br>SE-30-71-5-W6 | 03-May-05 | WA<br>36(1)<br>142(1)(h) | The Company is the owner of lands where a wetland area is located. On property adjacent to the lands, third parties are constructing homes in the development known as Cobblestone. During the construction process, the third parties excavated soil from the Cobblestone development for the construction of basements, removed the excavated soil, and deposited the soil on the lands in the wetland. The Company acknowledged that the soil deposited in the wetland came from the Cobblestone development, and that it was being deposited with the knowledge and permission of the Company, and that the Company was aware that the soil was not to be placed in the wetland area of the lands. The soil was also deposited in locations in the wetland that alter the flow and level of the water, and are causing or are capable of causing an effect on the aquatic environment. The Company did not hold an approval to deposit the soils in the wetland. The Company shall remove the soils deposited in the wetland; submit and implement a written plan; and submit a final written report upon completion of the remedial work. |
| Dittrich, Wolfgang | County of Grande Prairie<br>SE-34-69-12-W6 | 30-Jun-05 | WA<br>142(1)(h)<br>36(1) | There was an obstruction of soil and rocks constructed across a water body that prevented the flow of water from adjacent lands into Diamond Dick Creek. The landowner did not hold an approval to conduct an activity in the water body. The obstruction also alters the flow of the water, and is causing or is capable of causing an effect on the aquatic environment. There have been numerous attempts to locate and contact the landowner, but Alberta Environment has been unable to contact Mr. Dittrich. The landowner shall immediately remove the obstruction from the water body; ensure the obstruction is completely removed to allow unimpeded flow of water through the water body; provide reasonable notice prior to the removal of the obstruction; and ensure that all equipment and the material removed from the obstruction remains upon the lands during all phases of removal. Notice of Appeal received by the Environmental Appeal Board 20 July 2005. |

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# Enforcement Actions

1 Apr 2005 - 30 Jun 2005

## Enforcement Orders for Waste

| Company/Individual | Municipality / LLD | Decision Date/ Penalty | Act/ Regulation | Comments / Disposition |
|---|---|---|---|---|
| Agricore United - United Grain Growers Ltd. | Vermilion | 05-Apr-05 | AEPEA(R) 182 | Do not operate grain dryer at current location of 4430 - 47 Avenue, Vermilion, AB. Grain drying operations may only be conducted at concrete elevator location east of Vermilion. |
| Keephills Aggregate Co. Ltd. | | 09-Jun-05 | AEPEA(R) 182 | The Company is to remove contaminated soil, dispose of the material at an approved facility, and provide written confirmation upon completion. Order complied with, file closed 28 June 2005. |

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# Enforcement Actions

*1 Apr 2005 - 30 Jun 2005*

| Company/Individual | Municipality / LLD | Decision Date/ Penalty | Act/ Regulation | Comments / Disposition |
|---|---|---|---|---|
| **Environmental Protection Orders** | | | | |
| Canadian Fina Production Limited | County of Vermilion River SE-30-50-5-W4 | 22-Apr-05 | AEPEA(R) 113 140 | The Company was licenced or otherwise authorized by the Alberta Energy and Utilities Board to operate a well. Alberta Environment is of the opinion that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Report, and submit and implement a Remedial Plan. |
| Franco Oils Limited | County of Vermilion River NW-20-50-5-W4 | 22-Apr-05 | AEPEA(R) 113 140 | The Company was licenced or otherwise authorized by the Alberta Energy and Utilities Board to operate a well. Alberta Environment is of the opinion that a release f one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan and submit and implement a Remedial Plan. |
| Kardar Canadian Oils Limited | County of Vermilion River SW-29-50-5-W4 | 22-Apr-05 | AEPEA(R) 113 140 | The Company was licenced or otherwise authorized by the Alberta Energy and Utilities Board to operate a well. Alberta Environment is of the opinion that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan, and submit and implement a Remedial Plan. |
| Vermilion Consolidated Oils Limited | County of Vermilion River NE-19-50-5-W4 | 22-Apr-05 | AEPEA(R) 113 140 | The Company was licenced or otherwise authorized by the Alberta Energy and Utilities Board to operate a well. Alberta Environment is of the opinion that a release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan, and submit and implement a Remedial Plan. |
| Acheson-East Oil & Gas Co Ltd. | Parkland County SW-7-51-25-W4 | 24-May-05 | AEPEA(R) 140 113 | The Company was licenced by the Energy Resources Conservation Board to operate a well. Production from the well ceased in 1993, and the Company applied to abandon the well and was issued a program authorization to abandon the well. The cessation of production from the well, and the abandonment of the |

## Environmental Protection Orders

| Company/Individual | Municipality / LLD | Decision Date/ Penalty | Act/ Regulation | Comments / Disposition |
|---|---|---|---|---|
| | | | | well triggered the duty of the Company to reclaim the site. Albert Environment has not issued a reclamation certificate for the site. The Company hired an engineering consultant to conduct a Phase II Environmental Site Assessment, and the report showed that soil samples taken from the site contained elevated levels of BTEX and F1 to F4 hydrocarbons in excess of the Alberta Soil and Water Quality Guidelines for Hydrocarbons at Upstream Oil and Gas Facilities (2001). The hydrocarbon contamination and the salt contamination have not been remediated. Alberta Environment is of the opinion that a release of a substance has occurred or may occur at the site, that the substance may cause an adverse effect, and that the Company has a duty to reclaim the site and that work is necessary in order to conserve and reclaim the site. The company shall submit and implement an Investigative Plan; submit and implement a Remedial Plan; submit and implement a Reclamation Plan; and apply for a reclamation certificate once it has met the criteria. |
| Walter Construction (Canada) Ltd. | MD of Pincher Creek SE-10-7-29-W4 | 31-May-05 | AEPEA(R) 140 | Development and Reclamation Approval were issued for the operation of two sand and gravel pits. The Approvals required the holder of each Approval to reclaim all disturbed land on the sites. It was determined by Alberta Environment and Company representatives that reclamation on these sites did not meet the reclamation criteria. The Company refused to accept any responsibility or obligations for an potential reclamation requirements. Alberta Environment if of the opinion that the Company is an operator as defined by the Act, that the sites are specified lands as defined by the Act and that the Company has a duty to reclaim the sites, and that as reclamation certificates have not been issued for the sites as of the date of this Order, that work is necessary in order to conserve and reclaim the sites. The Company shall submit and implement a Reclamation Plan; provide written status reports; and upon completion, submit a final written report. Notice of Appeal received, 8 June 2005, at the Alberta Environmental Appeal Board. |
| Princeville Petroleums Limited | County of Vermilion River SE-31-50-5-W4 | 23-Jun-05 | AEPEA(R) 113 | The Company was licenced or otherwise authorized by the Alberta Energy Utilities Board to operate a well. Alberta Environment is of the opinion that a |

| Company/Individual | Municipality / LLD | Decision Date/ Penalty | Act/ Regulation | Comments / Disposition |
|---|---|---|---|---|
| **Environmental Protection Orders** | | | | |
| | | | 140 | release of one or more substances into the environment may occur, is occurring or has occurred that may cause, is causing or has caused an adverse effect on the environment. The Company shall submit and implement an Investigative Plan; and submit and implement a Remedial Plan, |

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# *Enforcement Actions*

*1 Apr 2005 - 30 Jun 2005*

| *Company/Individual* | *Municipality / LLD* | *Decision Date/ Penalty* | *Act/ Regulation* | *Comments / Disposition* |
|---|---|---|---|---|
| **Prosecutions** | | | | |
| The Manderley Corporation | Sturgeon County | 07-Apr-05<br>Penalty: $75,000.00 | AEPEA(R)<br>110(1)(a) | Count 1: On or about the 20th day of June, 2003, at or near Ft. Saskatchewan in the Province of Alberta, being a person who releases or causes or permits the release of a substance, to wit: diesel, into the environment that may cause, is causing or has caused an adverse effect did fail to, as soon as that person knows or ought to know of the release, report it to the Director, contrary to Section 110(1)(a) of the Environmental Protection and Enhancement Act. The Company pled guilty 11 February 2005. Sentenced to a global penalty of $75,000 on 7 April 2005. This consists of a fine of $20,284.50 and four creative sentencing orders. Pursuant to the Creative Sentencing Orders, the Company was ordered to provide $10,500 worth of sod to the City of Fort Saskatchewan, $15,307.50 worth of sod to Strathcona County, $3,960.00 worth of sod to the Village of Andrew, and $24,948.00 worth of sod to Habitat for Humanity. Fine payment of $20,284.50 received 23 June 2005. |

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# Enforcement Actions

1 Apr 2005 - 30 Jun 2005

## Tickets

| Company/Individual | Municipality / LLD | Decision Date/ Penalty | Act/ Regulation | Comments / Disposition |
|---|---|---|---|---|
| Terroco Industries Ltd. | Red Deer | 13-Apr-05<br>Penalty: $115.00 | AEPEA(R) 61 | The Company burned prohibited debris in an open fire without an approval. Paid 13 April 2005. |

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# Enforcement Actions

1 Apr 2005 - 30 Jun 2005

## Warning Letters

| Company/Individual | Municipality / LLD | Decision Date/ Penalty | Act/ Regulation | Comments / Disposition |
|---|---|---|---|---|
| EnerMark Inc. | County of Wetaskiwin 3-44-22-W4 | 06-Apr-05 | AEPEA(R) 112 110(1) | The Company operates the Malmo facility. It failed to immediately report a release of a substance, liquid amine, into the environment, and it failed to take remedial measures as soon as it became aware of the release. |
| Rural Aviation Services Ltd. | County of St. Paul 2-56-9-W4 | 14-Apr-05 | AEPEA(R) 24/97 5(1)(a) | The Company over sprayed a herbicide (trade name Remedy) that resulted in damaged pastureland and some woody vegetation. |
| Westman, Trent | Vermilion NE-32-50-6-W4 | 19-Apr-05 | AEPEA(R) 176 | Mr. Westman deposited sump material, obtained from the Vermilion Car Wash, onto property owned by The Town of Vermilion. The property is not designated as a waste management facility. Also, the waste disposal was not in accordance with a written authorization of the Director as no authorization for the dumping of this waste had been issued. |
| Baytex Energy Ltd. | MD of Bonnyville SE-7-61-7-W4 | 25-Apr-05 | WA 49(1) | The Company diverted water, without a licence, from Moose Lake. |
| Key Environmental Services Ltd. | MD of Bonnyville SE-27-56-3-W4 | 25-Apr-05 | WA 49(1) | The Company diverted water, without a licence, from Frog Lake. |
| Road Runner Water Hauling Ltd. | MD of Bonnyville SE-7-61-7-W4 | 25-Apr-05 | WA 49(1) | The Company diverted water, without a licence, from Moose Lake. |
| Terruco Industries Ltd. | Rocky Mountain House Plan 7722093, Block 62, Lot 13 | 28-Apr-05 | AEPEA(R) 110(1) | The Company failed to immediately report the spill of frac fluid, containing hydrocarbons that may cause an adverse effect on the environment. |
| Sherritt International Corporation | Fort Saskatchewan Plan 9620148, Lot 9 | 02-May-05 | AEPEA(R) 227(e) | The Company operates the Fort Saskatchewan fertilizer manufacturing and metal manufacturing plant pursuant to an Approval. It contravened its Approval with three exceedences of the hourly limit for free Ammonia from the Cobalt Separation Scrubber Stack, operating the process equipment without the |

| Company/Individual | Municipality / LLD | Decision Date/ Penalty | Act/ Regulation | Comments / Disposition |
|---|---|---|---|---|
| **Warning Letters** | | | | |
| | | | | associated pollution abatement equipment being fully operating; and failing to immediately report each of the four Approval contraventions. |
| Heringer, Alvin | Medicine Hat<br>24-12-6-W4 | 04-May-05 | WA<br>142(1)(e) | Mr. Heringer exceeded his annual diversion limit by 7.67 acre-feet. |
| Rotex Manufacturing & Distributing Ltd. | Edmonton<br>Plan 3131KS, Block 1, Lot 13 | 09-May-05 | AEPEA(R)<br>227(e) | The Company operates the Edmonton Hazardous Recyclable processing facility pursuant to an Approval. It contravened its Approval when it submitted the 2004 Annual Air Summary Report late; submitted the 2004 Annual Industrial Wastewater Summary Report late; and submitted the 2004 Annual Waste Management Summary Report late. |
| Wilson, Keith | Parkland County<br>Plan 8020350, Block 1, Lot 6 | 13-May-05 | AEPEA(R)<br>61 | Mr. Wilson burned prohibited debris, Styrofoam, in an open fire without an approval. |
| Magrath, Town of | Cardston County<br>Plan 8111648, Block OT | 18-May-05 | AEPEA(R)<br>227(e) | The Town operates a water treatment plant pursuant to an Approval. It contravened its Approval by submitting the 2003 Annual Waterworks Report late; the Monthly average concentration and dosages of chemicals added in 2003, being Niad and Chlorine, were not reported; the name of the supervising operator in 2003 was not recorded in the Monthly or Annual reports; the maximum and minimum daily value of chemicals added per month in 2003, being Niad and Chlorine, were not reported; the two biannual sampling and chemical analyses of treated water entering the distribution system were not completed as required and results not included in the annual report; the monthly average and the maximum and minimum daily values per month for turbidity of water within the distribution system and free chlorine residual of treated water in the water distribution system were not reported; the requirement to immediately report by telephone any contravention of the terms and conditions of the Approval was not met for any of the contraventions identified; the requirement to submit an incident report of any incident requiring reporting, as per clause 2.1.1 and outlined in Table 6-1, to the Director and Regional Engineer was not met for any of the |

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# Enforcement Actions

1 Apr 2005 - 30 Jun 2005

## Warning Letters

| Company/Individual | Municipality / LLD | Decision Date/ Penalty | Act/ Regulation | Comments / Disposition |
|---|---|---|---|---|
| | | | | contraventions noted; the requirement to include in the Annual Waterworks Report any incidents that required reporting as per clause 2.1.1 was not met; when the annual report for 2004 was reviewed it was determined that the two biannual sampling and chemical analysis of treated water entering the distribution system were not completed as required, nor were these contraventions reported to Alberta Environment; there were also operational problems with the pH probe and Cl2 scale that were not noted in the annual report for 2004 as required by clause; and the samples collected for the bacteriological analyses conducted in 2003 were not collected from random locations. |
| Canadian Natural Resources Limited | MD of Greenview 26-67-5-W6 | 30-May-05 | AEPEA(R) 67(1) | The Company operates the Gold Creek gas plant pursuant to an Approval. It added a Acid Gas Reheat Burner to the Gold Creek gas plant's emission sources without obtaining an amendment to its Approval. |
| Devon Canada Corporation | MD Lesser Slave River 22-74-24-W4 | 30-May-05 | AEPEA(R) 227(e) | The Company operates the Martin Hills sour gas processing plant pursuant to an Approval. It contravened its Approval when it submitted the Second Soil Monitoring Proposal late. |
| Herb's Welding Ltd. | Peace River Plan 6242AX, Block 11, Lot 9-11 | 30-May-05 | AEPEA(R) 109(2) | The Company allowed paint mist to drift off site, and impact private vehicles across the street. |
| Szmata Concrete & Aggregates Ltd. | MD of Peace NW-28-83-23-W5 | 30-May-05 | AEPEA(R) 61 | The Company burned prohibited debris, including plastics, spongy fibrous material, pressure treated lumber, and plastic covered wire without an approval. |
| Degussa Canada Inc. | Sturgeon County 18-56-21-W4 24-56-22-W4 13-56-22-W4 | 06-Jun-05 | AEPEA(R) 227(e) | The Company operates the Gibbons hydrogen peroxide manufacturing plant pursuant to an Approval. It contravened its Approval when it failed to conduct two Relative Accuracy Test Audits and two Cylinder Gas Audits by December 31, 2004. |
| 698245 Alberta Ltd. | Saddle Hills County 9-83-9-W6 | 10-Jun-05 | WA 36(1) | The Company conducted an unauthorized activity, being the excavation of a natural watercourse to deepen and widen the channel which caused an |

| Company/Individual | Municipality / LLD | Decision Date/ Penalty | Act/ Regulation | Comments / Disposition |
|---|---|---|---|---|
| **Warning Letters** | | | | |
| | | | | increased flow in the waterbody, all without the required approval from Alberta Environment. |
| Wetaskiwin Aerial Applicators Ltd. | Sturgeon County SW-5-56-22-W4 | 13-Jun-05 | AEPEA(R) 163(1) | The Company applied the insecticide "Fulfill" by aerial application, contrary to the label instruction which state "Do Not Apply By Air". |
| Carstairs Veterinary Services Inc. | Mountain View County SE-22-29-29-W4 | 20-Jun-05 | AEPEA(R) 109(2) | The Company operates a cadaver waste incinerator. Due to a failure to properly operate the waste incinerators secondary combustion burner, a substance release occurred. |
| Sanders, Bob operating as Prairie Professional Pest Control | Calgary Plan 7710302, Block 1 | 20-Jun-05 | AEPEA(R) 24/97 10 | Mr. Sanders failed to comply with Section 13(2) of the Environmental Code of Practice for Pesticides (1999) by failing to provide the required written notification to all persons who could be directly affected by the pesticide application. |
| Sanjel Corporation | Lacombe County NE-13-39-26-W4 | 23-Jun-05 | AEPEA(R) 176 | The Company illegally disposed of waste, fracturing fluid, into a gravel pit while conducting a field verification test of the fracturing fluid. |

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# *Enforcement Actions*

*1 Apr 2005 - 30 Jun 2005*

| *Company/Individual* | *Municipality / LLD* | *Decision Date/ Penalty* | *Act/ Regulation* | *Comments / Disposition* |
|---|---|---|---|---|
| **Water Management Orders** | | | | |
| Beckedorf, Korina, Estate of Delbert Douglas Parsons, Parsons, Troy as Administrator of the Estate of Delbert Douglas Parsons | MD of Rocky View<br>Plan 1741EW, Block 2, Lot 13 | 06-Apr-05 | WA<br>97 | Alberta Environment ("AENV") received a complaint about an unfinished water well. AENV staff atended the lands and identified the water well was an unfinished water well, the well was open and allowing surface water to enter the casing and therefore needed to be completed or relcaimed. AENV is of the opinion that the parties have not taken measures with respect to the problem water well to reclaim it or any remedial measures with respect to preventing, minimizing or remedying any adverse effects on the environment, human health, property, or public safety. The parties shall submit a plan and implementation schedule to reclaim the problem water well; notify AENV prior to reclaiming the problem water well; submit a final written report; and complete all necessary work to comply with this Order. |